

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING  
2829 UNIVERSITY AVE. SE  
MINNEAPOLIS, MN 55414-3246**

**MAY 8, 2010**

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, March 13, 2010, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: James Mona, D.O., President; Alfred Anderson, D.C., M.D., Vice President; Tammy McGee, MBA, Secretary; Keith Berge, M.D.; Debbie Boe, Mark A. Eggen, M.D.; V. John Ella, J.D., Sarah L. Evenson, J.D., MBA; Bradley Johnson, M.D.; Kelli Johnson, MBA, Ernest Lampe, II, M.D.; James Langland, M.D.; Gregory Snyder, M.D., DABR; Jon Thomas, M.D., MBA and Tracy Tomac, M.D.

**PUBLIC SESSION**

James Mona, D.O., President of the board welcomed new public board members Debbie Boe and V. John Ella, J.D. Ms. Boe owns and operates Debbie's Historical and Genealogical Services, and Gold Touch Legal. Ms. Boe represents Congressional District Two and replaces Bob Brown, Ph.D. on the board. Mr. Ella is an attorney at the Jackson Lewis Law Firm in Minneapolis. Mr. Ella represents Congressional District Five and replaces Jack Geller, Ph.D. on the board.

The minutes of the March 13, 2010, board meeting were received and approved as circulated.

Keith Berge, M.D, board member gave a presentation on How to Beat a Drug Test. A question and answer session followed.

On recommendation of the Licensure Committee, physician applicants 1 - 190 of the agenda were approved for licensure subject to the receipt of verification documents. Dr. Alfred Anderson recused on applicant 24.

On recommendation of the Licensure Committee, physician applicants 191 - 193 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 194 - 198 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 199 - 201 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 202 - 220 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 221 - 227 were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Doctor Advisory Council, naturopathic doctor applicants 228 - 232 of the agenda were approved for licensure subject to receipt of all verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicant 233 of the agenda was approved for licensure subject to receipt of all verification documents.

Bradley Johnson, M.D., Chair of the Licensure Committee presented the minutes of the April 15, 2010, Licensure Committee. Dr. Johnson commented on issues 1, 3, and 4:

- Issue 1.  
The candidate had an Order in Pennsylvania and notified the Licensure Committee that he had satisfied the Pennsylvania Order. The Licensure Committee was not able to verify this at their meeting but chose to provide an unconditional license pending verification of his unrestricted license in Pennsylvania.
- Issue 3.  
The Licensure Committee reviewed and approved an equivalent fellowship request for two one-year fellowships that were completed at the Mayo Clinic, but were not ACGME certified.
- Issue 4.  
The candidate had previously appeared before the Licensure Committee after being out of clinical practice for 23 years. The candidate was given until July of 2010 to complete the reentry program. The candidate was unable to find an appropriate preceptor and requested an extension; the Licensure Committee extended the temporary permit to November of 2010.

The minutes and actions of the April 15, 2010, meeting of the Licensure Committee were received and approved as circulated.

Dr. Mona introduced the next agenda item; Federation of State Medical Boards' Annual Meeting.

Jon Thomas, M.D., MBA was reelected to the FSMB Board of Directors for a three-year term. Tammy McGee, MBA, was appointed to the FSMB Finance Subcommittee. Former board member, Rebecca Hafner-Fogarty, M.D., MBA, was appointed to the FSMB Editorial Committee. Dr. Hafner-Fogarty is a candidate for the FSMB Foundation. The Foundation will vote later in the year on these candidates.

Tracy Tomac, M.D., stated that the Woman's Networking Reception was well attended. Dr. Tomac thought the Reception was worthwhile and requested the board continue to support it each year. Dr. Tomac suggested the Woman's Networking Reception be added to the FSMB's main agenda.

Robert Leach, J.D., Executive Director informed the board that Martin Crane, M.D., Chair and Humayun J. Chaudhry, D.O., MS, CEO of the FSMB will give a presentation on FSMB issues at the November 13, 2010, board meeting. Dr. Crane and Dr. Chaudhry will also host a dinner for board members on Friday, November 12, 2010.

Dr. Mona stated that, as always, he felt the FSMB Annual meeting was an excellent way to meet people from other state medical boards and enjoyed the educational components.

Dr. Mona asked if funding would be available for all board members to attend next years FSMB Annual meeting. Mr. Leach stated that although there are State travel restrictions in place, he anticipates that any board member that would like to attend next year's meeting will be allowed to.

Dr. Thomas stated that he was asked at the FSMB Annual meeting about the board's reciprocity arrangement with the Wisconsin Department of Regulation and Licensing. Dr. Thomas stated that he was not aware of this arrangement. Mr. Leach informed Dr. Thomas that in November of 2009, prior to Dr. Thomas returning to the board, the Wisconsin Department of Regulation and Licensing requested that the board participate in their Interstate License Portability Taskforce to discuss the issue of sharing reciprocity between midwestern states. Mr. Leach stated that Ruth Martinez, Complaint Review Supervisor, attended the first meeting of the Interstate Licensure Portability Project that was held on May 5, 2010, in Chicago. Mr. Leach stated that the meeting focused on what this board had agreed to do. Mr. Leach stated that Wisconsin's understanding is that this board is willing to begin peer reciprocity with them. Mr. Leach stated that the board is not prepared to do that at this time. Mr. Leach stated that he will have more information available after the next meeting, which is scheduled for later this year.

Mr. Leach asked board members for any complaints about the speakers, accommodations or the subject matter at the FSMB Annual meeting.

Deb Boe stated that one of her concerns is the facelessness of electronic medical records. Ms. Boe feels that electronic records are not always completely redacted and private data may be disclosed. Ms. Boe stated that she doesn't have a solution, but could see a potential issue with electronic medical records.

Sarah Evenson stated that this was her first time attending the FSMB Annual meeting and felt they did a good job attending to and paying attention to the public members. Ms. Evenson stated that some of the physicians that attended the public member meetings felt that they were the best meetings that the FSMB has ever held because it was very concrete, actionable advice. Ms. Evenson stated that she attended the FSMB Annual meeting on a FSMB scholarship and that she sent a letter to the FSMB asking them to continue the scholarship program so that more public members can feel empowered to act.

Ms. Evenson felt that the board's website needs work to make it user friendly and to make the information on the site easy to find. Ms. Evenson suggested that board staff look at other state board of medical practices websites for ideas on how to improve the board's website. Greg Snyder, M.D., DABR stated that he has reviewed all of the fifty state medical board sites and did a ranking on which states were user friendly and the Policy and Planning Committee had decided to change the board's website but were informed that changes would have to remain within the confines of the State website, which really limits the board's ability to modify the board's website. Mr. Leach stated that a few years ago, the board made the decision to switch to the Minnesota North Star website, which is the official website for the State of Minnesota. Mr. Leach stated that all State agencies that are on North Star are structured in the same way, and there are limitations on how the data can be manipulated on the website. Mr. Leach stated also, because of the e-Licensing initiative through the Office of Technology, the board doesn't know what is going to happen to the board's website after the shift over to the Office of Enterprise Technology gateway. Mr. Leach stated that North Star will be replaced with a new State website that he assumes the board will be part of; also he is unsure if the board will be able to maintain its own website. Mr. Leach stated that the review of the board's website was slated to be discussed at the February 23, 2010, Policy and Planning Committee, but the Committee's agenda was full. Dr. Snyder asked if

the board has the option of hosting its own website and linking back to the State website. Mr. Leach stated he hasn't received a clear answer from the State. Richard Auld, Ph.D., Assistant Executive Director asked that anyone who has comments or suggestions about the board's website, send them to him and they'll be reviewed with the board's IT staff at the next Policy and Planning Committee meeting. Mr. Auld stated that the restrictions on manipulating the board's website will still be in place.

Ms. McGee asked if the July 12, 2008, Board's Strategic Plan is included in the new board member orientation. Mr. Leach stated it will be included in the July 10, 2010, board agenda for review and discussion.

Dr. Mona introduced the next board agenda item, Public Citizen's rankings. Mr. Leach stated that the Public Citizen Report annually rates State Medical Boards by the number of disciplinary actions they have taken the previous year per 1000 physicians. Minnesota ranked last and has ranked in the lower 10% of states for the past several years.

Board members and staff feel the Public Citizen's Report is misleading and does not demonstrate any correlation to actual patient outcomes. Board members discussed the possibility of a resolution to the FSMB for either a response to the Public Citizen's Report or to ask the Federation Foundation to fund an independent analysis to respond to the Public Citizen's Report and publish the results of the study. After a lengthy discussion, a motion was made, seconded and passed unanimously that the Policy and Planning Committee review the Public Citizen's Report situation to develop an action plan with the above conversation provided as input from the Board.

Mr. Leach presented the Executive Director's Report of staff activities since the last board meeting. Mr. Leach stated that the April 28, 2010, Chronic Pain Management Seminar conducted by Dr. Auld, Alfred Anderson, D.C., M.D. and Mark Eggen, M.D. was well attended and registrations had to be cut off.

Dr. Auld presented agenda item, Legislative Update:

- Dr. Auld informed the board that the Lyme disease bill had been formally withdrawn and no longer exists.
- Dr. Auld stated that the Health and Human Services Omnibus Conference Committee started its work on May 7, 2010, and will reconvene on May 8, 2010, at 10:00 am. Dr. Auld stated that one of the issues involved in the work of this Committee is the funding mechanism for the Prescription Monitoring Program. Dr. Auld stated that the form of the funding is going to be a surcharge on the boards who license prescribing professions. The other issue is whether or not the board's reserve fund is going to be for the board's use or transferred to the State's General Fund. Dr. Auld stated that these are the issues that are being discussed currently, but are not yet completed.

Mr. Leach stated that included in the Governor's Budget Proposal is a 3% cut from the board's operating budget to be transferred to the State's General Fund. Mr. Leach stated that there are two options being considered. One option is the 3% would be taken out of the board's operating budget for the next biennium and put into the State's General fund. The second option is the 3% would be taken out of the board's Special Revenue Fund and transferred to the State's General Fund.

Ruth Martinez, Complaint Review Supervisor updated the board on legislation regarding the National Practitioner Data Bank. Ms. Martinez stated that she has received written and verbal

confirmation from the National Practitioner Data Bank that there will be no changes in what is reportable by the board to them.

Mr. Leach stated that the Minnesota Lyme Action Support Group is offering a seminar on the diagnosis and treatment of Lyme disease and offered to pay for three physician members to attend. Mr. Leach asked interested board members to contact Cheryl Kohanek, Administrative Assistant, for registration.

End of Public Session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: James Mona, D.O., President; Alfred Anderson, D.C., M.D., Vice President; Tammy McGee, MBA, Secretary; Keith Berge, M.D.; Mark A. Eggen, M.D.; Sarah L. Evenson, J.D., MBA; Bradley Johnson, M.D.; Kelli Johnson, MBA, Ernest Lampe, II, M.D.; James Langland, M.D.; Gregory Snyder, M.D., DABR; Jon Thomas, M.D., MBA and Tracy Tomac, M.D.


### **ELIZABETH V. DELESANTE, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Delesante was approved.

### **DR. THOMAS MITCHELL**

On recommendation of the Complaint Review Committee, the license of Dr. Mitchell was reinstated.

There being no further business, the meeting was adjourned.

  
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Tammy McGee, MBA  
Secretary  
MN Board of Medical Practice

June 15, 2010  
Date